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## U.S. Department of Commerce No FEAR Act EEO Complaint Data Department Aggregate

This is an interim report of No FEAR ACT data. The report will be revised upon publication of a final rule by the Equal Employment Opportunity Commission (EEOC).

- [Interim EEOC Rule](#)
- [Information on the No FEAR Act](#)
- [No Fear Act Data on the EEOC website \(includes information on EEOC Hearing and Appeals processing\)](#)

**Data last updated:** October 30, 2004

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### 1. Number of Complaints

	FY 2006 2nd Q.	FY 2005	FY 2004	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999
Number of complaints Pending at the Beginning of the FY	222	253	389	558	712	1163	433	311
Number of complaints Filed in the FY	64	130	110	138	213	327	1408	445

Number of complaints Closed in the FY	220*	164	248	307	367	778	678	321
Number of complaints Pending any time in the FY	286*	383	499	696	925	1490	1841	756

\* Includes database clean-up of old cases listed as "closeable"

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## 2. Number of Complainants

	FY 2006 2nd Q.	FY 2005	FY 2004	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999
Number of complainants who had a complaint pending	196	253	367	n/a	n/a	n/a	n/a	n/a
Number of complainants who filed a complaint	63	125	108	164	157	223	1315	331
Number of complainants who filed 2 or more complaints	1	4	3	4	11	12	36	50

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## 3. Bases of Complaints

	FY 2006 2nd Q.	FY 2005	FY 2004	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999
Race	30	53	42	82	117	144	567	386
Color	7	12	10	16	17	0	0	0
Religion	4	16	7	12	8	23	108	64
National Origin	11	16	16	35	17	25	132	104
Sex	13	50	38	57	59	75	428	263
Disability	14	44	33	37	38	40	307	165
Age	24	59	47	66	66	83	398	234
Reprisal	22	63	58	71	90	111	561	404
Equal Pay	0	1	1	0	0	0	2	0
Other	0	1	2	0	0	0	0	0
<b>TOTALS</b>	125	315	254	376	412	501	2503	1620

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## 4 . Issues in Complaints

	FY 2006 2nd Q.	FY 2005	FY 2004	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999
Appointment/Hire	1	9	4	7	8	32	195	46
Assignment of Duties	8	37	21	19	23	26	143	63
Awards	2	8	12	7	7	10	11	13
Conversion to Full Time	0	0	0	0	0	1	0	0
Discipline: Demotion	4	2	2	0	1	4	54	5
Discipline: Reprimand	1	6	6	9	7	14	15	19
Discipline: Suspension	2	6	5	4	4	7	8	13
Discipline: Removal	0	3	0	0	0	0	0	0
Discipline: Other	1	1	2	0	1	0	0	0
Duty Hours	0	0	3	0	1	0	2	1
Evaluation/Appraisal	10	15	14	15	15	15	26	44
Examination/Test	0	0	0	0	0	0	13	1
Harassment: Non-sexual	20	56	32	63	52	51	289	119
Harassment: Sexual	1	3	4	5	6	8	49	13
Medical Examination	0	0	0	0	0	0	0	0
Pay Including OT (overtime)	0	1	4	5	2	7	34	11
Promotion/Non-selection	16	27	32	53	58	31	132	82
Reassignment: Requested	1	2	1	1	0	0	7	11
Reassignment: Directed	4	9	6	9	3	0	7	14
Reasonable Accommodation	6	17	11	13	12	14	49	14
Reinstatement	0	0	0	0	0	0	0	2
Retirement	0	0	2	1	3	0	0	1
Termination	11	20	11	16	14	36	599	110
Terms/Conditions of Employment	7	32	9	7	10	44	44	12
Time and Attendance	8	17	12	16	3	25	25	34
Training	3	11	13	4	10	10	25	19
Other	4	11	17	7	7	13	14	47
<b>TOTALS</b>	110	293	223	261	247	348	1741	694

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## 5. Complaints Pending by Status

	FY 2006 2nd Q.	FY 2005	FY 2004	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999
Investigation	40	47	112	152	125	358	213	133
Hearing	54	72	88	132	275	244	166	158
Final Agency Action	61	75	60	151	107	27	18	83

Appeal	31	35	45	n/a	n/a	n/a	n/a	n/a
Accept/Dismiss	23	26	23	36	51	33	728	60
<b>TOTALS</b>	213	255	328	471	558	662	1125	434

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#### 6. Average Days Processing Time of Pending Complaints from Date Formal Complaint Filed

	FY 2006 2nd Q.
Investigation: Hearing Requested	189*
Investigation: No Hearing	0
Final Agency Action: With Hearing	0
Final Agency Action: Without Hearing	409

\* 16 pending investigations have been amended at least once. Amendments extend the time for investigation for 180 days from the date of amendment, or for 360 days from the date the original complaint was filed, whichever comes first. 29 CFR §1614.106(d)

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#### 7. Investigations Pending Over 180 Days

	FY 2006 2nd Q.	FY 2005	FY 2004	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999
Number of Investigations Pending over 180 days	14*	28	87	175	101	413	154	183

\* 11 of the complaints over 180 days have been amended at least once. Amendments extend the time for investigation for 180 days from the date of amendment, or for 360 days from the date the original complaint was filed, whichever comes first. 29 CFR §1614.106(d) Two others are consolidated with later-filed complaints.

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#### 8. Complaints Dismissed

	FY 2006 2nd Q.	FY 2005	FY 2004	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999
Number of Complaints Dismissed	14	29	33	31	38	428	327	120

Average Days Pending Prior to Dismissal	238*	123	121	193	207	193	134	137
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\*Includes 2 cases dismissed at hearing and two dismissed after the investigation was completed

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#### 9. Findings of Discrimination as a Percentage of Total Complaints Pending Current to 2003

	FY 2006: Number	FY 2006: Percent	FY 2005: Number	FY 2005: Percent	FY 2004: Number	FY 2004: Percent	FY 2003: Number	FY 2003: Percent
Findings of Discrimination With Hearing	0	0	1	>1	1	>1	0	0
Findings of Discrimination Without Hearing	0	0	0	0	1	0	3	>1
<b>TOTALS</b>	0	0	1	>1	2	>1	3	>1

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#### 9. Findings of Discrimination as a Percentage of Total Complaints Pending 1999-2002

	FY 2002: Number	FY 2002: Percent	FY 2001: Number	FY 2001: Percent	FY 2000: Number	FY 2000: Percent	FY 1999: Number	FY 1999: Percent
Findings of Discrimination With Hearing	1	>1	0	0	0	0	0	0
Findings of Discrimination Without Hearing	1	>1	4	>1	0	0	5	>1
<b>TOTALS</b>	2	>1	4	>1	0	0	5	>1

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#### 10. Findings of Discrimination By Basis Current to 2003

	FY 2006 2nd Q. Number	FY 2006 2nd Q. Percent	FY 2005: Number	FY 2005: Percent	FY 2004: Number	FY 2004: Percent	FY 2003: Number	FY 2003: Percent
Race	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	1	>1
National Origin	0	0	0	0	0	0	0	0
Sex	0	0	0	0	1	>1	0	0
Disability	0	0	0	0	1	0	1	>1
Age	0	0	0	0	0	0	0	0
Reprisal	0	0	1	>1	1	>1	3	>1
Equal Pay	0	0	0	0	0	0	0	0

Other	0	0	0	0	0	0	0	0
<b>TOTALS</b>	0	0	0	>1	3	>1	5	>1

### 10. Findings of Discrimination By Basis 1999-2002

	FY 2002: Number	FY 2002: Percent	FY 2001: Number	FY 2001: Percent	FY 2000: Number	FY 2000: Percent	FY 1999: Number	FY 1999: Percent
Race	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0
Religion	1	>1	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0
Age	1	>1	1	>1	0	0	5	>1
Reprisal	0	0	3	>1	0	0	0	0
Equal Pay	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
<b>TOTALS</b>	2	>1	4	>1	0	0	5	>1

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### 11 . Findings of Discrimination by Issue

	FY 2006: Number	FY 2006: Percent	FY 2005: Number	FY 2005: Percent	FY 2004: Number	FY 2004: Percent	FY 2003: Number	FY 2003: Percent	FY 2002: Number	FY 2002: Percent	FY 2001: Number	FY 2001: Percent	FY 2000: Number	FY 2000: Percent	FY 1999: Number	FY 1999: Percent
Appointment/Hire	0	0	0	0	1	>1	0	0	1	>1	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	1	>1	0	0	0	0
Conversion to Full Time	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Discipline: Demotion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Discipline: Reprimand	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Discipline: Suspension	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Discipline: Removal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Discipline: Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation/Appraisal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Harassment: Non-sexual	0	0	0	0	0	0	2	>1	0	0	3	>1	0	0	0	0
Harassment: Sexual	0	0	0	0	1	>1	0	0	0	0	0	0	0	0	0	0

Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pay Including OT (overtime)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-selection	0	0	0	0	0	0	0	0	1	>1	1	>1	0	0	5	>1
Reassignment: Requested	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment: Directed	0	0	1	>1	1	>1	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	2	>1	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTALS</b>	0	0	1	>1	3	>1	4	>1	2	>1	5	>1	0	0	5	>1

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1. Data for the U.S. Patent and Trademark Office (PTO) is included in the Department aggregate for FY 1999 only. [See the PTO website for postings from PTO related to the No FEAR Act.](#)
2. Data for dismissals includes complaints dismissed prior to investigation and complaints dismissed in later proceedings.

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US Department of Commerce, Office of Civil Rights, 1401 Constitution Ave., NW, Room 6012, Washington, D.C. 20230

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